## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

DEC 0 7 2005

JOHN F. CORCORAN, CLERK BY:

ANTHONY TURNER,	Α.	DEPU VY/ CLEH
Plaintiff,	)	Civil Action No.7:05-cv-00725
v.	)	DISMISSAL ORDER
UNITED STATES OF AMERICA, Defendants.	) ) )	By: Hon. James C. Turk Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

## ADJUDGED AND ORDERED

as follows:

- 1. Plaintiff's implicit request to proceed in forma pauperis without prepayment of the filing fee is **DENIED**; the action, construed as a civil rights complaint pursuant to 42 U.S.C. §1983, is **DISMISSED** without prejudice, pursuant to 28 U.S.C. §1915(g); and the action is stricken from the active docket of the court.
- 2. The clerk shall remove from this case file a document styled as "Motion to Eradicate 1997 Contract" and shall docket this motion in Civil Action No. 7:95-cv-01106.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the plaintiff.

ENTER: This 7 th day of December, 2005.

Senior United States District Judge